

## **REMARKS**

### **1. Status of the Claims**

Claims 1-14 as herein amended and claims 15-16 as herein added are pending in the Application. The Applicant believes that the rejections contained in the Office Action have been overcome as discussed below.

### **2. Information Disclosure Statement**

The Examiner states that references listed in the specification were not considered because the "listing of references in the specification is not a proper information disclosure statement." (Office Action, page 2). Applicant has since filed a proper Information Disclosure Statement.

### **3. Response to Claim Rejections**

The Examiner rejected claims 1-10 and 12-13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,010,922 to Heller et al. ("Heller"). The Examiner rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Heller in view of U.S. Patent No. 4,081,012 to Wallace ("Wallace"). The Examiner further rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Heller. Applicant respectfully traverses the rejections and requests favorable reconsideration

Applicant has amended the claims to clarify that the invention includes at least one set screw for engaging the base and/or spider plate to the respective column end(s) through the use of one or more set screws which are oriented in a direction radial to the column. The amendments are fully supported in the Applicant's specification. (Published Application

2005/0178300 A1, paragraph 0021, Figure 1). Applicant submits that Heller, in contrast, discloses an engagement system in which the set screw acts in a direction axial to the column and must further act against an additional “thrust plate” component. (Heller, Figure 2). Applicant’s claimed invention does not require a “thrust plate” and allows one or more radial set screws to be threaded through one or both column ends, the spider plate, the base, or any combination thereof.


Because Heller does not teach an apparatus in which one or more set screws are oriented radially to the column end, (Applicant’s claim 1), the cited reference does not disclose, teach, or suggest each and every element of independent claim 1. Without addressing the merits of the Examiner's statements regarding claims 2-14, which are not conceded, Applicants point out that these claims depend from and include all of the limitations of claim 1. Therefore, these claims distinguish the cited reference for the same reasons discussed above with regard to claim 1. It is respectfully requested that the Examiner withdraw the rejections of claims 1-14 and allow new claims 15-16.

### CONCLUSION

In light of the above amendments and remarks, Applicant submits that the present application is in condition for allowance and respectfully requests notice to this effect. The Examiner is requested to contact Applicant's representative below if any questions arise or if he may be of assistance to the Examiner.

Respectfully submitted,  
McDONNELL BOEHNEN  
HULBERT & BERGHOFF LLP

Date: 11/21/05

  
James McCarthy  
Reg. No. 39,296